IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Alejandro Wiechers

Group Art Unit: 2625

Serial No.: 10/635,474

Examiner: Rodriguez, Lennin

Filed: August 7, 2003

Docket No. 200207421-1

For: **Managing Workflow In A Commercial Printing Environment Through Closed-Loop Communication Between Designer And Print Service Provider Locations**

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed April 23, 2008, responding to the Final Office Action mailed December 31, 2007.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claims 2, 3, 5, 6, 10, 12, 13, 15, 16, 20, and 21 have been canceled leaving claims 1, 4, 7-9, 11, 14, and 17-19 remaining. Each of those claims stand finally rejected. No claims have been allowed. The final rejections of claims 1, 4, 7-9, 11, 14, and 17-19 are appealed.

IV. Status of Amendments

This application was originally filed on August 7, 2003 with twenty-one (21) claims. In a Response filed October 5, 2007, Applicant amended claims 1, 4, 7-9, 11, 14, and 17-19 and canceled claims 2, 3, 5, 6, 10, 12, 13, 15, 16, 20, and 21.

All of the above-identified amendments have been entered and no other amendments have been made to any of claims 1, 4, 7-9, 11, 14, and 17-19. The claims in the attached Claims Appendix (see below) reflect the present state of those claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Independent claim 1 describes a method of managing workflow in a commercial printing environment including a designer location and a print service provider location. The method comprises creating at the designer location a print job to be printed at the print service provider location. *Applicant's specification*, page 6, paragraph 0019; Figure 1, item 100. The method of claim 1 further comprises establishing a closed-loop communication link between the designer location and the print service provider location. *Applicant's specification*, page 5, paragraph 0012. The method of claim 1 further comprises the designer location obtaining updated device configuration information from the print service provider location via said closed-loop communication link. *Applicant's specification*, pages 7-8, paragraphs 0022-0024. The method of claim 1 further comprises creating a job ticket at the designer location that specifies production devices of the print service provider to be used to process said print job and processing instructions for the print service provider location. *Applicant's specification*, page 7, paragraph 0021; Figure 1, item 104. The method of claim 1 further comprises

creating a press ready file at the designer location that encompasses both said print job and said job ticket. *Applicant's specification*, page 12, paragraphs 0039-0041; Figure 1, item 118. The method of claim 1 further comprises submitting said press ready file to the print service provider location via said closed-loop communication link. *Applicant's specification*, page 12, paragraph 0042; Figure 1, item 122. The method of claim 1 further comprises processing said print job at the print service provider location. *Applicant's specification*, pages 16-18, paragraphs 0060-0069; Figure 1, items 138-144. The method of claim 1 further comprises transmitting over said closed-loop communication link continuously updated status information to the designer location so as to keep the designer location apprised of a production status of said print job at the print service provider location, said status information including an indication of tasks that have already been performed in relation to the print job and a current task being performed in relation to the print job. *Applicant's specification*, pages 19-20, paragraphs 0074-0075.

Independent claim 11 describes a computer-readable medium that stores a program product for managing workflow in a commercial printing environment including a designer location and a print service provider location. The program product comprises machine-readable program code for causing a machine to perform the step of creating at the designer location a print job to be printed by the print service provider location. *Applicant's specification*, page 6, paragraph 0019; Figure 1, item 100. The machine-readable program code further causes a machine to perform the step of establishing a closed-loop communication link between the designer location and the print service provider location. *Applicant's specification*, page 5, paragraph 0012;

Figure 1, item 100. The machine-readable program code further causes a machine to perform the step of the designer location obtaining updated device configuration information from the print service provider location via said closed-loop communication link. *Applicant's specification*, pages 7-8, paragraphs 0022-0024. The machine-readable program code further causes a machine to perform the step of creating a job ticket at the designer location that specifies production devices of the print service provider to be used to process said print job and processing instructions for the print service provider location. *Applicant's specification*, page 7, paragraph 0021; Figure 1, item 104. The machine-readable program code further causes a machine to perform the step of creating a press ready file at the designer location that encompasses both said print job and said job ticket. *Applicant's specification*, page 12, paragraphs 0039-0041; Figure 1, item 118. The machine-readable program code further causes a machine to perform the step of submitting said press ready file to the print service provider location via said closed-loop communication link. *Applicant's specification*, page 12, paragraph 0042; Figure 1, item 122. The machine-readable program code further causes a machine to perform the step of processing said print job at the print service provider location. *Applicant's specification*, pages 16-18, paragraphs 0060-0069; Figure 1, items 138-144. The machine-readable program code further causes a machine to perform the step of transmitting over said closed-loop communication link continuously updated status information from the print service provider location to the designer location so as to keep the designer location apprised of a production status of the processing being performed at the print service provider location, said status information including an indication of tasks that have already been performed in relation

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to the print job and a current task being performed in relation to the print job. *Applicant's specification,* pages 19-20, paragraphs 0074-0075.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejection are to be reviewed on appeal:

1.   Claims 1, 4, 7, 8, 11, 14, 17, and 18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Roztocil, et al.* ("Roztocil," U.S. Pub. No. 2001/0044868).

2.   Claims 9 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Roztocil* in view of *Kemp, et al.* ("Kemp," U.S. Pub. No. 2002/0078160).

VII. <u>Arguments</u>

The Appellant respectfully submits that Applicant's claims are neither anticipated under 35 U.S.C. § 102 nor obvious under 35 U.S.C. § 103, and respectfully requests that the Board of Patent Appeals reverse the final rejections of those claims at least for the reasons discussed below.

A.   Claim Rejections - 35 U.S.C. § 102(b)

Claims 1, 4, 7, 8, 11, 14, 17, and 18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Roztocil, et al.* ("Roztocil," U.S. Pub. No. 2001/0044868). Applicant respectfully traverses.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is represented in the Roztocil reference. Applicant discusses the Roztocil reference and Applicant's claims in the following.

1.   The Roztocil Disclosure

Roztocil discloses a production work flow 100 of a "typically production print shop." *Roztocil*, paragraph 0020. The work flow 100 comprises various stages, including job

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origination 102, job submission 104, job preparation 106, print production 108, and final fulfillment 110. *Roztocil*, Figure 1.

As shown in Figure 1, the print shop includes a computer network 112 that includes computer work stations 114, 116, servers 118, 120, and output devices 122. *Roztocil*, paragraph 0021. A customer can submit a job during job origination 102 by either physically delivering to the print shop one or more documents in hard copy or electronic form or by transmitting the one or more documents to the print shop via the Internet. *Roztocil*, paragraph 0022. After that point, all aspects of the production work flow 100 are performed at the print shop using its network 112. *See Roztocil*, paragraphs 0023-0033.

Included in the production work flow 100 performed at the print shop is what Roztocil calls "user functionality workflow 200." *Roztocil*, paragraph 0034. That workflow 200 includes a preflight stage 204 that is performed using a workflow management software program that executes on a job preparation workstation 116 at the print shop. *Roztocil*, paragraph 0036. Using that program, operators at the print shop can obtain data about the various output devices 122 of the print shop, including their availability and capabilities. *Roztocil*, paragraph 0045.

As can be appreciated from the above, with the exception of transmitting documents over the Internet to Roztocil's print shop, no actions of Roztocil's disclosed production work flow are performed at a customer's (e.g., designer's) location.

2. Applicant's Claims

Applicant's independent claim 1 provides as follows:

1.   A method of managing workflow in a commercial printing environment including a designer location and a print service provider location, said method comprising:

creating at the designer location a print job to be printed at the print service provider location;

establishing a closed-loop communication link between the designer location and the print service provider location;

the designer location obtaining updated device configuration information from the print service provider location via said closed-loop communication link;

creating a job ticket at the designer location that specifies production devices of the print service provider to be used to process said print job and processing instructions for the print service provider location;

creating a press ready file at the designer location that encompasses both said print job and said job ticket;

submitting said press ready file to the print service provider location via said closed-loop communication link;

processing said print job at the print service provider location; and

transmitting over said closed-loop communication link continuously updated status information to the designer location so as to keep the designer location apprised of a production status of said print job at the print service provider location, said status information including an indication of tasks that have already been performed in relation to the print job and a current task being performed in relation to the print job.

As described in the following, Roztocil fails to teach several of the limitations of claim 1.

(a) A Designer Location Obtaining Updated Device Configuration Information from a Print Service Provider Location

Regarding claim 1, Roztocil does not teach "the designer location obtaining updated device configuration information from the print service provider location via said closed-loop communication link". Although Roztocil describes a customer transmitting a print job over the Internet to Roztocil's print shop (*see Roztocil*, paragraph 0022), thereby establishing what may be referred to as a communication link between a designer location and a print service provider location, Roztocil does *not* indicate that the link is used to provide any device configuration information to the designer location. Instead, Roztocil's discussion of what reasonably can be called a designer location is limited to Roztocil describing submitting the print job to Roztocil's print shop via the Internet. Specifically, Roztocil states:

> Job origination 102 is the procedural stage of receiving the documents and instruction, which together are defined as a "job", from the customer. Job origination 102 can occur when a customer physically brings his job, whether in hard copy or electronic form, to the print shop or otherwise transmits the job to the print shop, whether by phone, fax, postal mail, electronic mail or over a local area or wide area network such as the Internet.

Roztocil, paragraph 0022, lines 6-13.

Regarding the Examiner's reference to and reliance upon paragraphs 0022 and 0023 of the Roztocil disclosure, those paragraphs say nothing of a designer (customer) location obtaining any device configuration information from a print service provider (print shop) location. As for the mention of job tickets in paragraph 0023, Applicant

notes that job tickets in Roztocil's system and method are filled out by "operators" or "clerks" at the print shop for purposes of in-house processing and Roztocil does not indicate that those job tickets are provided to the designer/customer. Therefore, Roztocil clearly does not teach providing the job ticket to the designer location over any closed-loop communication link.

(b) Creating a Job Ticket at the Designer Location

With further regard to claim 1, Roztocil does not teach "creating a job ticket at the designer location that specifies production devices of the print service provider to be used to process said print job and processing instructions for the print service provider location". As mentioned above, all actions in Roztocil's production work flow 100, except initial transmission of a print job over the Internet, are performed at Roztocil's print shop. Therefore, the creation of a job ticket occurs at the print shop. As described by Roztocil:

> Job submission 104 is the receipt of the job by the print shop and the entering of the job into the print shops production system or workflow. Typically the instructions from the customer will be written down on a special form, known as a "ticket" or "job ticket". A ticket may also be electronically created and maintained. Furthermore, pre-defined tickets may be available for standardized instructions. For example, the shop may have a pad of pre-printed tickets with the instructions to duplicate the documents, three hole punch the final output and assemble the punched final output in a three ring binder. If this is a common request by customers, such pre-printed tickets can save time and resources. All the order taking clerk need do is fill in any customer specific details such as

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the number of copies to produce. Pre-defined tickets standardize operations and prevent errors in the transcription of instructions from the customer.

Roztocil, paragraph 0023, lines 1-18. As is clear from the above excerpt, the print shop "clerk" is the one who creates the job ticket. Therefore, Roztocil fails to teach "creating a job ticket at the designer location" as required by claim 1.

Applicant further notes that Roztocil does not disclose creation of a job ticket, whether it be at a designer location or elsewhere, that specifies the "production devices" that are to process the print job. Paragraph 0023 of the Roztocil reference, which was cited and relied upon by the Examiner, says nothing about specifying a production device in a job ticket.

(c)   Creating a Press Ready File at the Designer Location that Encompasses both said Print Job and said Job Ticket

Roztocil also fails to teach "creating a press ready file at the designer location that encompasses both said print job and said job ticket". Although Roztocil describes the creation of a "ready for printer" file that includes a print job and a job ticket, Roztocil explicitly states that the file is created during "job preparation 106," which is performed at Roztocil's print shop by one of the print shop operators. As described by Roztocil:

> For example, *a customer may bring in* two different documents, one being the body of a book and the other being the photographs to be inserted at specific pages. The customer may then instruct that the photographs be inserted at particular pages and that the final assembly have continuous page numbers added. The body of the book may be in Microsoft Word™

<div align="center">12</div>

format while the images of the photographs are in Adobe Photoshop^{TM} format. *While the operator could figure out at which pages the images will be inserted and appropriately number the pages of the book and photographs using each individual software package, this is a very complex and time consuming process.* It also requires that the operator be trained and familiar with a range of software packages and runs the risk that he will not be familiar with the particular package that the customer used. *Therefore, it is more efficient to distill each of the various file formats into a unified format which allows the operator to prepare the job using a single software interface. In the preferred embodiments, all documents, whether provided in hard copy or electronically, are distilled or converted into a "ready for printer" or "print ready" file format.* In the preferred embodiments, the Portable Document Format^{TM} is used as the ready for printer format, developed by Adobe Systems, Inc., located in San Jose, Calif.

Roztocil, paragraph 0027 (emphasis added). As can be appreciated from the above excerpt, it is the "operator" who creates the ready for printer file at the print shop after a customer "brings in" one or more documents to be printed. Therefore, Roztocil does not describe a "press ready file" being created "at a designer location" as required by claim 1.

Regarding the Examiner's argument in the Advisory Action that Roztocil's "preparation stations" can be used to create the press ready file at a designer location and then send the file to the print shop via the Internet, Applicant notes that Roztocil provides no such disclosure. Indeed, Roztocil explicitly states that the computer workstations 114 and 116 are part of the network 112 at the print shop. *See Roztocil*, paragraph 0021. Also, Roztocil's Figure 1 shows those workstations within the "PRINTSHOP".

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(d) **Transmitting over said Closed-Loop Communication Link Continuously Updated Status Information to the Designer Location**

As a further matter, Roztocil does not teach anything that even approaches "transmitting over said closed-loop communication link continuously updated status information to the designer location so as to keep the designer location apprised of a production status of said print job at the print service provider location, said status information including an indication of tasks that have already been performed in relation to the print job and a current task being performed in relation to the print job". Regarding paragraph 0047 of the Roztocil disclosure, which was cited and relied upon by the Examiner, Roztocil states:

> Finally, the workflow management software provides tools to send the prepared documents and any associated tickets to the production output device for final production. In the preferred embodiments, documents or compound documents can be sent to a production output device by selecting, clicking or dragging the visual representation of the document or compound document to a visual representation of the print server or output device. Alternatively, the user may select an appropriate option from a pull-down menu, pop up dialog box or button palate. The workflow management software supports standard interfaces and protocols to production output devices and print servers. Further, tools are provided for managing, selecting and monitoring multiple production output devices. These tools provide visual feed back of each of the devices status to the user such as the current job queues.

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Roztocil, paragraph 0047. As can be appreciated from that excerpt, Roztocil's only reference to job status is the following: "tools are provided for managing, selecting and monitoring multiple production output devices. These tools provide visual feed back of each of the devices status to the user such as the current job queues." Notably, Roztocil does not state that those "tools" (i) transmit anything over a "closed-loop communication link" established between a designer location and a print service provider location, (ii) transmit "continuously updated status information" to the designer location or anyone else, or (iii) transmit information that indicates which tasks that have already been performed or the current task being performed in relation to the print job.

(e) Conclusion

In view of the foregoing, it is clear that Roztocil does not in fact anticipate Applicant's independent claim 1. Applicant therefore respectfully submits that claim 1 and its dependents are allowable. Applicant further submits that independent claim 11 and its dependents are allowable for similar reasons given that claim 11 comprises limitations that are similar to those discussed above in relation to claim 1.

B. Claim Rejections - 35 U.S.C. § 103(a)

Claims 9 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Roztocil* in view of *Kemp, et al.* ("Kemp," U.S. Pub. No. 2002/0078160). Applicant respectfully traverses.
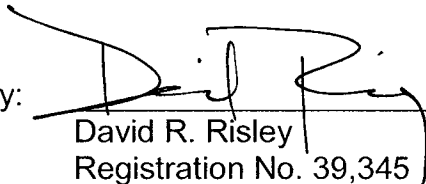
As identified above, Roztocil does not teach aspects of Applicant's claims. In that Kemp does not remedy the deficiencies of the Roztocil reference, Applicant respectfully

submits that claims 9 and 19 are allowable over the Roztocil/Kemp combination for at least the same reasons that claims 1 and 11 are allowable over Roztocil.

VIII. Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

By: _____
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Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1. A method of managing workflow in a commercial printing environment including a designer location and a print service provider location, said method comprising:

creating at the designer location a print job to be printed at the print service provider location;

establishing a closed-loop communication link between the designer location and the print service provider location;

the designer location obtaining updated device configuration information from the print service provider location via said closed-loop communication link;

creating a job ticket at the designer location that specifies production devices of the print service provider to be used to process said print job and processing instructions for the print service provider location;

creating a press ready file at the designer location that encompasses both said print job and said job ticket;

submitting said press ready file to the print service provider location via said closed-loop communication link;

processing said print job at the print service provider location; and

transmitting over said closed-loop communication link continuously updated status information to the designer location so as to keep the designer location apprised of a production status of said print job at the print service provider location, said status

information including an indication of tasks that have already been performed in relation to the print job and a current task being performed in relation to the print job.

2-3. (Canceled)

4. A method of managing workflow in a commercial printing environment according to claim 1, said production status being updated at a plurality of stages of the workflow.

5-6. (Canceled)

7. A method of managing workflow in a commercial printing environment according to claim 1, further comprising automatically updating said job ticket of said press ready file upon completion of each task in the workflow via said closed-loop communication link.

8. A method of managing workflow in a commercial printing environment according to claim 7, further comprising performing automated job closing based upon information in said updated job ticket upon completion of production of said print job.

9.   A method of managing workflow in a commercial printing environment according to claim 1, further comprising allowing a user at the designer location to, via the closed-loop communication link, select the print service provider location from among a plurality of print service provider locations and corresponding information on production capabilities.

10.   (Canceled)

11.   A computer-readable medium that stores a program product for managing workflow in a commercial printing environment including a designer location and a print service provider location, said product comprising machine-readable program code for causing, when executed, a machine to perform the following method steps:

creating at the designer location a print job to be printed by the print service provider location;

establishing a closed-loop communication link between the designer location and the print service provider location;

the designer location obtaining updated device configuration information from the print service provider location via said closed-loop communication link;

creating a job ticket at the designer location that specifies production devices of the print service provider to be used to process said print job and processing instructions for the print service provider location;

creating a press ready file at the designer location that encompasses both said print job and said job ticket;

submitting said press ready file to the print service provider location via said closed-loop communication link;

processing said print job at the print service provider location; and

transmitting over said closed-loop communication link continuously updated status information from the print service provider location to the designer location so as to keep the designer location apprised of a production status of the processing being performed at the print service provider location, said status information including an indication of tasks that have already been performed in relation to the print job and a current task being performed in relation to the print job.

12-13. (Canceled)

14.   A computer-readable medium according to claim 11, said production status being updated at a plurality of stages of the workflow.

15-16. (Canceled)

17.   A computer-readable medium according to claim 11, further comprising automatically updating said job ticket of said press ready file upon completion of each task in the workflow via said closed-loop communication link.

18. A computer-readable medium according to claim 17, further comprising performing automated job closing based upon information in said updated job ticket upon completion of production of said print job.

19. A computer-readable medium according to claim 11, further comprising allowing a user at the designer location to select the print service provider location from among a plurality of print service provider locations and corresponding information on production capabilities.

20-21. (Canceled)

Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.